IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1484 OF 2007

IN

FIRST APPEAL NO. 2230 OF 2007

Dilip Ramnath Mahale. .. Petitioner.

vs.

Chandrabhagabai Kondaji

Medhane & Ors. ... .. Respondents.

Mr. Tushar Sonawane h/f M.M. Sathaye

for Petitioner.

Mr. S.K. Shinde, h/f Sagar Kasar for Respondents.

..

Coram: J.N. PATEL &,

A.A. SAYED, JJ.

Date: 19TH JUNE, 2007.

P.C.

. Heard.

2. This is a case where the appellant has impugned the judgment and decree passed in Special Civil Suit No. 38/01 which was filed by the appellant for specific performance of contract. During the pendency

of the suit, defendant nos. 1 and 2 have disposed of the property to third parties who were impleaded as defendant nos. 3 and 4. Therefore, in the peculiar facts and circumstances and as the appeal is admitted by this Court, it will be necessary to preserve the property and, therefore, there will be interim order in terms of prayer clauses (a) and (b) till the decision of the appeal.

3. The Civil Application is disposed of accordingly. No order as to costs.

(J.N. Patel, J.)

(A.A. Sayed, J.)